

sn. 10/710,792

page 5

REMARKS

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith (the non-US patent references of which follow by courier). The Examiner is respectfully requested to consider this enclosed Statement and the Information Disclosure Statement filed electronically on October 27, 2004.

Claims

Claim 1 has been amended to define further aspects of the invention.

Claims 3 and 4 have been amended to provide proper antecedents.

New claims 6 to 18 have been added. New claims 6 to 10 are fully supported in the specification as originally filed. New claims 11 to 18 are based on claims already found allowable by the Examiner.

Claim Rejections – 35 USC 102

Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Batchelor et al. Since a rejection under 102 for anticipation requires that the single reference teach each and every element of the rejected claim (*Atlas Powder v. E.I. DuPont*, 750 F.2d 1569 (224 USPQ 409)(Fed. Cir. 1984)), applicant respectfully submits that the examiner's rejections under 102 in this case fail to meet this test.

Applicant's claim 1 defines a heat sink comprising: a first thermal plate, a second thermal plate, a plurality of adjacent fins integral with and extending between both the first thermal plate and the second thermal plate and a plurality of end spacers mounted between the plurality of adjacent fins to space and form fluid passages between the interfacing side surfaces thereof. While Batchelor et al. teach a form of heat sink, they do not teach a construction including a plurality of end spacers mounted between the plurality of adjacent fins to space and form fluid passages between the fins.

sn. 10/710,792

page 6

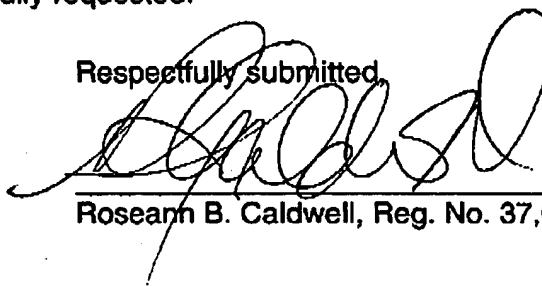
As Batchelor does not teach all of the elements of claim 1, this claim and dependent claims 2 to 10 are clearly not anticipated by this prior reference. Favorable consideration is respectfully requested.

Allowable Subject Matter

Claims 4 and 5 were identified by the Examiner as being allowable. As such, claim 11 has been added including the subject matter of claims 1 and 4, as originally filed, and claim 15 has been added to include the subject matter of claims 1 and 5, as originally filed.

Favorable consideration is respectfully requested.

Respectfully submitted,



Roseann B. Caldwell, Reg. No. 37,077

BENNETT JONES LLP
4500 - 855 - 2nd Street S.W.
Calgary, Alberta CANADA
T2P 4K7

tel. (403) 298-3661

Date: June 27/05

Docket: 47621-23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SCOTT, Alexander Robin Walter Group Art Unit: 3744
Serial No.: 10/710,792 Examiner: JONES, Melvin
For: HEAT SINK

INFORMATION DISCLOSURE STATEMENT

- ☐ 1 Pursuant to 37 CFR 1.97(b)
[within 3 months of filing or prior to 1st Office Action]
- ☒ 2 Certification Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance]
- ☐ 3 Fee Payment Pursuant to 37 CFR 1.97(c)
[before Final Office Action or Allowance]
- ☐ 4 Petition, Certification & Petition Fee Payment Pursuant to 37 CFR 1.97(d)
[before issue fee payment]

Honorable Commissioner of Patents and Trademarks,
Washington, D.C. 20231,
U.S.A.

Sir:

The following are submitted in the above-identified application in compliance with
37 CFR 1.97 & 1.98

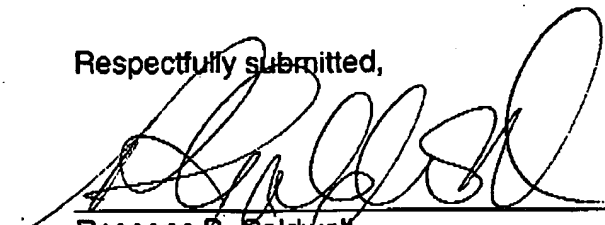
- ☐ 5 A list of documents on form PTO-1449 together with copies of each
identified non-US patent document and a translation or a concise
explanation of each non-English language document is enclosed herewith.

This paper is submitted in accordance with:

- []6 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- [XX]7 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- [XX]8 The required certification made in item 11 below; or
- []9 The \$200.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 14 below.
- []10 37 CFR §1.97(d): [before issue fee payment]; and
- (a) This is a petition for consideration of the subject Information Disclosure Statement. The petition fee (\$130.00) required by 37 CFR 1.17(i)(1) is authorized in item 14 below. (Direct this letter to: "Attention PETITIONS EXAMINER" and if applicable include batch locator information: e.g. "Allowed Files, Batch _____, Date of Allowance _____"); and
- (b) The required Certification is stated in item 11 below.
- [XX]11 Certification
- [XX]12 Each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
- []13 No item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this document after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three (3) months prior to the filing of this Statement.

[XX]14 Please charge all applicable fees associated with the submittal of this Information Disclosure Statement to Deposit Account No. 02-2057. An original and two (2) copies of this document are enclosed.

Respectfully submitted,



Roseann B. Caldwell
Reg. No. 37,077

Bennett Jones LLP
4500 Bankers Hall East
855 - 2nd Street SW
Calgary, Alberta T2P 4K7
(403-298-4466)

Date: _____

